31

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (C) No. 5417 of 2007

PETITIONER : Daulal Potai, Aged aobut 55 years, S/o Late Amru Potai, R/o Telibandha, Raipur, Tahsil & District Raipur (CG).

Versus

RESPONDENTS :
1. Municipal Corporation Raipur, Through: Commissioner, Municipal Corporation, Raipur.
2. The Commissioner, Municipal Corporation Raipur.
3. The Zone Executive Officer, Sub Division No. 4, Municipal Corporation Raipur.

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri Kishor Badhuri, Advocate for the petitioner.

ORDER
(Passed on 7th Day of September, 2007)

Learned counsel appearing for the petitioner submits that the petitioner is having a Tea Stall at plot No. 186 (Subhash Nagar, Ravi Gram, Telibandha Ward No. 23) now Shyam Nagar Ward No. 32 of the respondents/corporation.

Learned counsel further submits that without affording proper opportunity of hearing to the petitioner, the Municipal Corporation by impugned notice dated 16.08.2007 (Annexure P-I) has directed the petitioner to remove the structure within a period of 24 hours.

Be that as it may, the petitioner is in possession of the Tea Stall at the given area. No steps for demolition or removal be taken without affording him an opportunity of hearing.

Learned counsel further submits that the petitioner is in possession of the said Tea Stall for the last 30 years under the lease from the Municipal Corporation.

In view of the forgoing, it would be open for the respondents/authorities to take appropriate action for removal, if so advised, in accordance with law, after affording an opportunity of hearing to the petitioner.

In view of the above, this petition stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Sahu